

REMARKS

Claims 1-21 and 25-41 are pending in this application. Claims 4-21 remain withdrawn, and further to the advice from the Office, claim 41 submitted in the April 12, 2007 response as a new claim, is also withdrawn. Claims 22-24 have been cancelled. Claims 1, 3, 25-27, 32-33, 35-37, and 39-40 have been amended. Claims 42-52 are new. The amendments and new claims add no new matter.

Interview Summary

Applicants and their counsel thank Examiner Robinson and Supervising Examiner Kruse for their time and helpful input in the telephone interview held on June 12, 2007. In that interview, the various outstanding rejections in the Office Action dated 11/14/06 and the response thereto was discussed, as follows:

(1) As a result of the discussion and in view of Applicants' remarks in the amendment dated 4/12/07, the Office indicated that the rejection of claim 3 under 35 U.S.C. §103 as obvious in view of Demirbas and Cregan would be withdrawn if the claims were amended to distinguish plants that may have other resistance alleles (e.g. such as Rps3) from plants that have Rps8-derived resistance; and

(2) As a result of the discussion and Applicants' remarks in the amendment dated 4/12/07, the Office indicated that the rejection of claims 1-3 and 25-36 under 35 U.S.C. §103 in view of Hegstad and Cregan would be withdrawn if the claims were amended to distinguish plants that may have other resistance alleles (e.g. such as Rps3) from plants that have Rps8-derived resistance.

Remarks

Claims 1, 3, 25-27, 32-33, 35-37, and 39-40 have been amended for clarity and consistent with the suggestions of the Office. The changes add no new matter.

In view of the discussion with the Examiners, Applicants have amended claims 1, 27 and 33 to comply with the Office's request by adding an additional method step to distinguish plants that may have other resistance alleles (e.g. such as Rps3) from plants that have Rps8-derived resistance. New claims 42-52 have been added, consistent with the same request.

Claim 41 has been withdrawn as drawn to a non-elected subject matter. The Office indicated that claim 41 may be presented in a divisional application.

It is respectfully submitted that the application is now in condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: June 15, 2007

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